

### **REMARKS**

The issues outstanding in the Office Action mailed June 18, 2004, are the rejections under 35 U.S.C §§112, 102 and 103. Claims 20 - 26, 31 - 32 and 35 have been indicated as being allowable. Reconsideration of the outstanding issues, in view of the following discussion, is respectfully requested.

#### **Rejections Under 35 U.S.C §112**

Claims 27, 28, 34, 37- 39 have been rejected under 35 U.S.C §112, first paragraph. Reconsideration of these rejections is respectfully requested.

It is argued, at page 2 of the Office Action, that the claims contain subject matter not described in the specification; specifically, the language that polypropylene layer (2) has a melting point above the melting point of the binder layer, and that the heat treatment is at a temperature below the melting point of the polypropylene layer (2). First, attention is directed to original claim 3, stating that polypropylene layer "(7,2)" has a melting point above the melting point of the binder. It is thus evident that it was applicants' intent to describe both the polypropylene layer in the lid, and the polypropylene layer in the container, as having a melting point above the melting point of the binder. Moreover, such is clearly well taught to one of ordinary skill in the art in the present specification, which teaches heating the binder to a temperature so that it fuses to the metallized substrate at the lid, and then heating the binder again to bond it to the container. If the container of polypropylene could melt at temperatures at which the binder must be heated, of course, the invention would be unworkable. Thus, one of ordinary skill in the art would clearly understand that such a property is inherent. It is thus submitted that claims such as claim 16, which recite the polypropylene layer (2) has a melting point above the melting point of the binder are clearly disclosed in, taught by and described in the present specification. In any event, attention is directed to independent claims 38 and 40, in which the recitation that the polypropylene layer (2) has a melting point above the melting point of the binder has been removed, inasmuch as the language is unnecessary.

It is also argued at page 2 of the Office Action that claims which recite a "cover" made

from structures comprising polypropylene layer (2) are not supported, inasmuch as polypropylene layer (2) is part of the container and not lid or cover. Clarification has been made in claims 27 and 28. It is submitted that these claims are fully supported by the specification.

Accordingly, withdrawal of the rejection under 35 U.S.C §112 is respectfully requested.

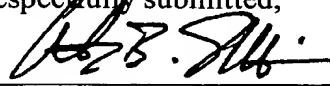
#### Rejection Under 35 U.S.C §102

Claims 16, 17 - 19, 29, 30, 36 and 40 have been rejected under 35 U.S.C §102(e) over Trouilhet '973. Reconsideration of this rejection is respectfully requested. It is stated, at page 4 of the Office Action, that Trouilhet does not teach or render obvious a multi layer lid structure comprising a binder layer having the composition of, for example claims 20 - 26, 31 - 32 and 35. It is moreover respectfully submitted that patentees fail to teach or suggest a multi-layer structure having the composition of independent claim 38, reciting copolymers (A), polypropylene (B) and additional polypropylene (C). Moreover, patentees fail to teach or suggest the composition of claim 40, also reciting such a binder layer, differing from claim 38 in that the unnecessary recitation of making layers 6 and 5 non-delaminable has been omitted. It is also noted that claim 16 has been amended in order to recite a specifically allowable composition of claim 20. As a result, it is submitted that all the claims of the application are in condition for allowance. Withdrawal of the rejection and passage to allowance is respectfully requested.

However, should the Examiner has any questions or comments, she is cordially invited to telephone the undersigned at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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